

# Congress of the United States

Washington, DC 20515

February 9, 1999

Ms. Jane Garvey  
Administrator  
Federal Aviation Administration  
800 Independence Avenue, SW  
Washington, DC 20591

Dear Administrator Garvey:

We are in receipt of your agency's final Environmental Impact Statement which reviews the proposed placement of a Terminal Doppler Weather Radar (TDWR) at the Gateway National Recreation Area. The EIS concludes that the placement of the facility is appropriate, while the information gathered seems to confirm the opposite finding.

Despite the FAA's best attempt to make the facts conform to this misguided proposal, the EIS confirms that the site is unsafe and environmentally inappropriate.

The EIS Confirms that Site Will Leave Blind Spots for the TDWR. According to the topographic criteria announced by the FAA, an optimal site for the TDWR should have a clear line-of-sight and preferably should provide coverage from 70,000 feet down to 300 feet. The EIS confirms that radar coverage for LaGuardia "below 600 feet would be incomplete." (see p. 190) Thus, the location of the site chosen would hinder the safe use of the Radar.

The EIS Ignores its Own Findings with Regard to the Hart Island Alternative. The EIS concludes that compared to Hart Island, the site at Gateway National Recreation Area is the environmentally preferred location for the Radar. In its conclusions, however, the EIS states that because "no development other than TDWR is expected on [Hart] island or water surrounding the island, installation and operation of TDWR would not cause cumulative effects on the local environment." (see p. 534) In comparison, Gateway National Recreation Area receives over 1.5 million visitors a year, while the EIS admits that the Gateway site "contains many recreational resources because of the on going development of Gateway NRA." (see p. 53) How can a serious environmental assessment conclude that construction at Gateway is less environmentally sensitive than Hart Island?


The EIS Ignores the Concerns of the Department of the Interior. The proposed site is within the confines of Gateway National Park. Thus any activity would have to meet the statutory limitations that govern the use of such a recreation area. Section 3(a) of Gateway's enabling legislation states that "...nothing in this section shall authorize the expansion of airport runways into Jamaica Bay or air facilities at Floyd Bennett Field." The DoI has made it known to the FAA that the proposed construction of the Radar is contrary to the spirit of the legislation.

Safe air transport in the New York City area requires that this issue be resolved as soon as possible. But this incomplete and misleading EIS only serves to delay a sound, safe and reasonable location of a site for a TDWR for New York City's airports.

Sincerely,

  
CHARLES E. SCHUMER  
United States Senator

  
JERROLD NADLER  
Member of Congress

  
ANTHONY D. WEINER  
Member of Congress



MAR 29 1999

The Honorable Charles E. Schumer  
United States Senate  
Washington, DC 20510

Dear Senator Schumer:

Thank you for your letter, cosigned by your congressional colleagues, expressing interest in the proposed terminal Doppler weather radar (TDWR) to serve John F. Kennedy International and LaGuardia airports (LGA) in New York, New York. The Federal Aviation Administration (FAA) recently distributed copies of the final environmental impact statement (EIS) for this aviation safety enhancement to all members of the public expressing interest in this project. The final EIS was sent to government officials, agencies, public libraries, community groups, and individuals. Distribution of the final EIS represents a major step in the environmental review process.

Throughout the environmental review process, including a 135-day scoping period, a 98-day draft EIS review period, four scoping meetings, and five public meetings, the FAA received extensive comments regarding the scope of the EIS, alternatives to be investigated, and information necessary to conduct the EIS analysis. These comments have been carefully considered by the FAA throughout the EIS process.

Your letter raised three issues, which are addressed below in the order in which they were presented:

**Blind Spots for the TDWR** – TDWR at the preferred U.S. Coast Guard Air Station Brooklyn site would provide radar coverage of the essential microburst warning area from 600 to 19,700 feet above the ground at LGA. TDWR coverage of the preferred area from 300 to 600 feet above the ground would be partial; however, this coverage is not required. Due to the locations of the two airports, the hilly topography of the area, and the amount of buildings and structures in the area, no single TDWR, at any location, including the alternatives of Hart Island, the ocean site or the Ambrose Light, would be able to provide 300-foot coverage for both airports. TDWR at the U.S. Coast Guard Air Station Brooklyn site would provide the required coverage for both airports. This issue is addressed in response two to the letter from Queens Borough President Claire Shulman on page 310 of the final EIS.

Findings with Regard to the Hart Island Alternative - The conclusion in the final EIS that the preferred site is environmentally preferable to Hart Island is based on a number of environmental factors. The final EIS section referenced in the letter addresses only the potential for TDWR at Hart Island to cumulatively add to environmental impacts from other proposed actions in the vicinity. TDWR at the Hart Island site could result in individual impacts in the areas of geology and soils (section V.B.2, pp. 84-85 of the final EIS), water resources and hydrologic processes (section V.C.2, pp. 87-88 of the final EIS), air quality (section V.D.3, pp. 93-94 of the final EIS), flora and fauna (section V.E.2, pp. 98-99 of the final EIS), visual quality (section V.G.2, pp. 115-118 of the final EIS), cultural resources (section V.H.2, pp. 123-124 of the final EIS), hazardous materials (section V.I.2, p. 127 of the final EIS), and transportation (section V.K.2, p. 132 of the final EIS). See section XI.D of the final EIS for an environmental comparison of the alternatives.

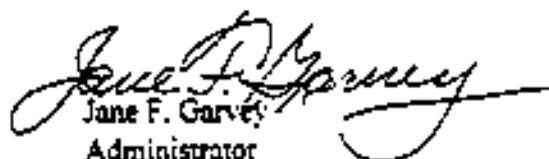
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Thank you for your continued participation in this environmental review process. We appreciate your concern about this matter. You will be directly notified of our decision at the earliest possible time.

If I can be of further assistance, please contact me or Ms. Suzanne Sullivan, Assistant Administrator for Government and Industry Affairs, at (202) 267-3277.

An identical letter has been sent to each cosigner of your letter.

Sincerely,

  
Jane F. Garvey  
Administrator



U.S. Department  
of Transportation  
  
Federal Aviation  
Administration

Office of the Administrator

800 Independence Ave., S.W.  
Washington, D.C. 20591

MAR 29 1999

The Honorable Anthony D. Weiner  
House of Representatives  
Washington, DC 20515

Dear Congressman Weiner:

Thank you for your letter, cosigned by your congressional colleagues, expressing interest in the proposed terminal Doppler weather radar (TDWR) to serve John F. Kennedy International and LaGuardia airports (LGA) in New York, New York. The Federal Aviation Administration (FAA) recently distributed copies of the final environmental impact statement (EIS) for this aviation safety enhancement to all members of the public expressing interest in this project. The final EIS was sent to government officials, agencies, public libraries, community groups, and individuals. Distribution of the final EIS represents a major step in the environmental review process.

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Thank you for your continued participation in this environmental review process. We appreciate your concern about this matter. You will be directly notified of our decision at the earliest possible time.

If I can be of further assistance, please contact me or Ms. Suzanne Sullivan, Assistant Administrator for Government and Industry Affairs, at (202) 267-3277.

An identical letter has been sent to each cosigner of your letter.

Sincerely,

  
Jane F. Garvey  
Administrator



U.S. Department  
of Transportation  
Federal Aviation  
Administration

Office of the Administrator

300 Independence Ave., S.W.  
Washington, D.C. 20591

MAR 29 1999

The Honorable Jerrold Nadler  
House of Representatives  
Washington, DC 20515

Dear Congressman Nadler:

Thank you for your letter, cosigned by your congressional colleagues, expressing interest in the proposed terminal Doppler weather radar (TDWR) to serve John F. Kennedy International and LaGuardia airports (LGA) in New York, New York. The Federal Aviation Administration (FAA) recently distributed copies of the final environmental impact statement (EIS) for this aviation safety enhancement to all members of the public expressing interest in this project. The final EIS was sent to government officials, agencies, public libraries, community groups, and individuals. Distribution of the final EIS represents a major step in the environmental review process.

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If I can be of further assistance, please contact me or Ms. Suzanne Sullivan, Assistant Administrator for Government and Industry Affairs, at (202) 267-3277.

An identical letter has been sent to each cosigner of your letter.

Sincerely,

  
Jane F. Garvey  
Administrator

New York City Audubon Society  
71 West 23rd Street Suite 806  
New York, NY 10010

February 20, 1988

Jerome D. Schwartz  
Environmental Lead for TDWR, and 402  
Federal Aviation Administration  
800 Independence Avenue, SW  
Washington, DC 20591

Re: EIS for TDWR siting at Floyd  
Bennett Field

Dear Mr. Schwartz:

The New York City Audubon (NYCAS) is opposed to the siting of the Terminal Doppler Weather Radar in Floyd Bennett Field for reasons that include environmental and conservation principles. On principle, NYCAS is opposed to the construction of non-park-related facilities in any park except when there is no feasible alternative. It is all too clear that the alternative sites for the TDWR were summarily set aside without a reason given. Furthermore, this radar site is an extension of airport facilities into a national park that is already fending off destructive incursions into the Jamaica Bay Wildlife refuge, i.e. the FAA, the Port Authority and the Animal Damage Control Division of the APHIS have a plans to extirpate a species of gull from the Refuge.

The siting of TDWR in Floyd Bennett Field is just the latest in a long list of inappropriate activities and non-park-related facilities imposed upon Floyd Bennett Field by New York City with the assistance of Washington representatives. All previous inappropriate incursions into this unit of Gateway National Recreation Area (GNRA) have been done without public hearings or Gateway's approval. Although the FAA held public hearings, the legal process that removed the best TDWR sites from consideration remains obscure. Because the FAA will not consider the alternative sites on Long Island, the NYCAS finds the siting of the TDWR facility within the GNRA to be an unnecessary and unacceptable intrusion into a national park.

When superficially examining the Final EIS for the Terminal Doppler Weather Radar to serve JFK International and Lagoonia Airports, one has to be impressed by the amount of documentation in the two large volumes. Unfortunately this EIS is not complete because it does not conform to the FAA's own rationale for need to construct TDWR facilities to serve the airports. The summary exclusion of the North Belmore and Roslyn, Long Island sites, which were originally chosen for their ideal location to serve the two New York City airports, places political expediency ahead of good engineering decisions. The very arguments put forward in this EIS intended to establish the need for the TDWR are completely undermined by the FAA's allowing siting decisions to be determined by a not-in-my-backyard (NYMBY) representative in Congress. Since the Congressional (directive?) to the FAA that precluded any further analysis of the Belmore and Roslyn site, gave no particular reason for that edict, why are the National Park Service, the environmental community, and the local residents expected to present more substantial arguments for their opposition to siting the TDWR at Floyd Bennett Field? The "concerns of the local (*Long Island*) residents over the siting of large radar in residential

Over



areas" (EIS page 227, 1-1.) could have been addressed by citing some of the studies on radiofrequency radiation presented in the Appendices of the Final EIS that are supposed to allay the fears of Brooklyn and Queens residents.

This EIS does not cite the legal authority that allows the Congress to interfere with the legitimate aircraft safety functions of the FAA. At the public hearings on the Draft EIS held in Brooklyn and Queens the question as to why the Bellmore and Roslyn sites were not allowed to be considered was raised repeatedly. In the FAA response to this very contentious and important issue in the Final EIS was merely that your agency received "direction" from Congress to "look elsewhere." What form did this "direction" from Congress take? Was it legislation? Was it a written directive? Was it an oral agreement made by some particular parties at a Transportation Committee meeting? The origin of this "direction," responsible people who agreed to it and all relevant documents should have been a part of the response in the Final EIS to all the questions about this issue.

Despite the fact that there were preliminary analyses of the Bellmore and Roslyn sites that placed them into early consideration, when asked to rank these sites, as preferred, against Floyd Bennett Field, the FAA refuses to reveal any information about those Long Island sites. This is the very information that was used to generate the Optimal Siting Areas map on page 8 of the EIS. Incidentally, Floyd Bennett Field falls outside both the JFK and Laganrdia optimal siting areas for the TDWR facilities.

Beyond the issue of TDWR siting is the question as to the need for any such facility in the New York City metropolitan area at all. During the public hearings on the Draft EIS held on the November 5, 1997 at the Belle Harbor School, Belle Harbor, NY, Ronald Bourque (this author) raised some questions about the statistical significance of the single microburst-related accident in June of 1975 out of some 5 million aircraft operations at JFK International and Laganrdia airports. I was assured that there were indeed many more incident/accidents in the records. The Table in the Draft EIS listed that single accident in 1975. The Final EIS listed (4): the 1975 accident (112 fatalities), a 1983 accident (no injuries), a 1990 accident (73 fatalities) and an additional incident in 1983 for which there are no NTSB accident/incident records.

If these tables of accidents/incidents are intended to make the argument that a TDWR installation could have prevented such events, a careful reading of the actual reports upon which the tables are based, shows that there was sufficient information about hazardous weather conditions at the airports for a pilot to make prudent decisions. In virtually every case the pilot decided to land or take off knowing the weather conditions were marginal to severe. Since 1975 there has been a growing understanding of those weather conditions that give rise to windshear and microbursts.

The inclusion of the Avianca accident as a windshear-related event that could have been prevented by the existence of TDWR information is entirely disingenuous. When the Avianca Boeing 707 aborted its last landing attempt, it only had five minutes of fuel left. The fact that windshear conditions were present on the runway during the last chance for a landing before the fuel gave out, does not, by any stretch of the imagination, make this event one that would have been altered by the presence of a TDWR unit in operation. The NTSB report lists a whole series of human factors that contributed to that accident; wind

shear was at the bottom of the list since proper fuel management would have allowed the time needed for another attempt.

It would take many more pages of this letter to establish that all the other accidents/incidents cited in the same Table II-1 in the Final EIS were not the result of insufficient weather information forewarning hazardous conditions at the respective airports. In order to make the argument for the need of a TDWR to serve JFK International and Lagaardia airports, incidents and accidents from Philadelphia, Tucson, Atlanta, Dallas, Charlotte and Denver were cited in table II-1. A very significant series of incidents that occurred on July 11, 1998 over Denver's Stapleton Airport was not included in Table II-1. Although these incidents involving windshear did not result in injuries, fatalities or damage to aircraft, the FAA sponsored a videotape called "The Day All Hell Broke Loose" which described how three planes, having been warned of microburst activity over the runways, attempted to land. Fortunately, all three pilots had been trained to recover from the effects of microburst and were able to go around for a second approach. Two other aircraft choose not to attempt to land under those hazardous weather conditions. What is most significant about these incidents is that a TDWR system provided the information about the microbursts and pilots choose to ignore it.

The lesson to be learned from all of this is that the same small percentage of pilots will attempt to land under hazardous weather conditions regardless of the source of weather data. The FAA should take the responsibility for closing airports when those conditions exist within an approaching storm that can generate windshear and/or microbursts. The Doppler 4000 system is capable of detecting those rain and wind patterns, which are likely to generate windshear and microbursts. The additional detail that the TDWR provides might allow flight controllers or airport managers to squeeze one more flight in before visibility deteriorates forcing flights to divert or maintain a holding in a pattern. The single common thread that runs through all the accidents/incidents cited in Table II-1 is continuing airport operations under marginal to severe weather conditions.

Since commercial air carrier accidents are so rare as to make statistical analysis almost meaningless, any apparent decline in the number of windshear and microburst accidents/incidents in recent years cannot be attributed to the installation of TDWRs any more than to prudent airline rules prohibiting landing and taking off in hazardous weather. It stands to reason that decisions about landing or taking off during marginal to severe weather conditions should not be left to pilots who are immersed in competitive peer group and airline scheduling pressures. The objectivity of airport managers can be, likewise influenced by economic/scheduling pressures to maintain operations beyond prudent limits. Depending on refined weather data from TDWR systems is not the answer -- the FAA should assume the responsibility for setting the minimum weather conditions under which airports are allowed to operate.

Sincerely,

  
Ronald V. Bourque

cc. Senator Charles Schumer  
Congressman Anthony Weiner  
Borough President Claire Shulman

## Microburst Radar May Spur Review of Tower's Role In Aborting Landings

Philip J. Klass/Boulder, Colo.

Aviation Week & Space Technology / May 1, 1989

Tests to evaluate a new Doppler weather radar's ability to provide warning of dangerous microbursts helped avert a potentially fatal airline accident at Denver's Stapleton International Airport.

On July 11, five transports were approaching to land on Denver's east-west runways when a severe microburst was detected near the touchdown end of runways 26L/26R. Measured differential wind velocities in the microburst, which would be encountered by aircraft on final approach, exceeded 80kt. (Knots)

The severe microburst was detected and tracked early enough to enable the Denver tower to alert the nearest approaching aircraft -- United Airlines Flight 683. The flight crew opted not to attempt a landing.

Flight crews of the next three transports did attempt to land. But when they encountered the severe microburst effects, they were prepared to respond promptly and safely executed go-around procedures. The fifth then opted to abort.

An FAA-sponsored videotape will soon be made available to air carriers and pilot organizations. Called "The Day That All Hell Broke Loose," the documentary includes interviews with flight crews.

The July 11 incident demonstrated the enhanced safety benefits of radar which was developed by Lincoln Laboratory. Subsequently, the FAA ordered 47 of the new radars from Raytheon for use at major airports subject to severe thunderstorms that can trigger microbursts.

### NEW ROLE FOR THE TOWER

But the incident also raised important questions about traditional tower and flight crew responsibilities under such conditions. Despite the presence of severe microburst near the approach end of the runways, the tower followed the traditional protocol. It cleared each aircraft to land, then informed the flight crew of the presence of the microburst.

A critical issue for the FAA before Terminal Doppler weather radar becomes operational in the early 90s is whether a tower controller should recommend that a flight crew abort an approach because of a microburst threat. Traditionally, the flight crew has been responsible for making such judgments.

One of the five crews in the final approach on July 11 reported that he had not heard the tower's microburst alert. The crew decided to abort because it saw the others do so.

United has since adopted the policy that its flight crews should not attempt to land when there is a microburst alert, according to Rick Heuwinkel, manager of the FAA's weather programs. He expects other carriers will adopt the same policy. United was an active participant in the Denver tests.

The radars Raytheon will supply to the FAA are a slightly modified version of the radar developed for the U.S. Weather Service Nexrad Doppler radar competition, won by Unisys. The terminal Doppler weather radar will operate in the C-Band (6GHz.) instead of the S-Band (3GHz.), where Nexrad operates. Its computer will use software designed to detect microburst and other gust-front situations.

The timetable calls for Raytheon to deliver its first terminal Doppler weather radar for FAA evaluation in the fall of 1992. The contract offers incentives if Raytheon can accelerate deliveries.

To accelerate the introduction of the capability, the FAA plans to install 17 of the Unisys S-Band Nexrad radars, outfitted with special software, at major airports in severe thunderstorm areas. Later, these Nexrads will be replaced with the Raytheon systems. The FAA is scheduled to receive its first two Nexrad radars from Unisys by early 1991.

The Doppler radar tested last summer at Denver demonstrated a high probability of detecting a potential microburst 2 minutes before it becomes a severe threat, according to John McCarthy, of the Center for Atmospheric Research. He supervised the tests.

Equally important, the new radar has demonstrated the ability to detect the conditions that typically result in a microburst. "Microbursts are triggered by precipitation, which can range from very heavy to very light," McCarthy said. "When precipitation begins to fall, air moves in to take its place. The radar can spot the precipitation, using a non-Doppler channel, while the Doppler channel can detect air flowing into the downdraft, referred to as 'convergence'."

McCarthy explained: "There is a rotation of the downdraft--it's sort of a mini-tornado, but much weaker. When the microburst reaches the ground, it spreads out. This Spread-out can be detected unambiguously by Doppler radar."

If the microburst is located on the approach path, an aircraft first will encounter a sudden, sharp increase in wind velocity. This will be followed by a sudden dramatic decrease, which can result in a stall.

Using the Doppler radar to scan up to 2,000 ft. "enables us to spot certain antecedents which characterize a potential microburst," McCarthy said. "If we see divergence and other antecedent conditions, we get about 2 minute advance warning before a microburst becomes severe. It continues to intensify about five minutes after it hits the ground and we continue to track it with radar until it's no longer a threat," McCarthy said. "If Doppler radar detects a coherent divergence of greater than 20 kt. differential air velocity, the disturbance is likely to intensify into a full-blown microburst."

We presently use 20 kt. as the threshold for characterizing a disturbance as a microburst," McCarthy said, but there is some disagreement over what threshold figure should be used.

Unlike the existing terminal area traffic surveillance radar, which is typically situated at the airport, the new radar will be located 8-12 miles away. This will enable it to view meteorological conditions over the approach paths and runways.

The scan pattern is designed to monitor both the air outflow velocity at the surface and meteorological conditions at higher altitudes. The microburst-detection algorithm will trigger an alert when surface outflow is still less than 10 meters/sec. (22 MPH.) if meteorological conditions at higher altitudes are those that typically generate a microburst.

During tests at Denver last summer, these algorithms enabled radar to detect 90% of microbursts with wind velocity changes of more than 22 MPH. and 97% of those with wind shear greater than 15 meter/sec. (34 MPH.), according to McCarthy.

The tests at Denver will continue this summer, using a prototype Nexrad radar built earlier by Raytheon. It will be located to the northeast of the Denver airport, replacing the Lincoln Laboratory radar sited to the southeast. The latter is being installed at the Kansas City airport to detect severe squall-line microbursts "in Tornado alley," McCarthy said.



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, D.C. 20240



ER 97/485

FEB 24 1999

Mr. James C. Link  
Acting Leader, Integrated  
Product Team for Surveillance  
Federal Aviation Administration  
U.S. Department of Transportation  
800 Independence Avenue, S.W.  
Washington, DC 20591

Dear Mr. Link:

This responds to the request for the Department of the Interior's review and comment on the final environmental impact statement (FEIS) for Terminal Doppler Weather Radar (TDWR) to serve John F. Kennedy International and LaGuardia Airports, Queens County, New York.

The Department opposes the construction of TDWR at the preferred alternative of Floyd Bennett Field, Gateway National Recreation Area and has done so consistently throughout this environmental impact statement process. Such construction is inappropriate in any National Park. At Gateway, in particular, the construction of TDWR would violate the letter and spirit of Federal law.

We base our opposition on two important points: the Gateway statute precludes the "...expansion of ...air facilities at Floyd Bennett Field..." and the selection of this site contradicts the first proviso of Section 4(f) of the Department of Transportation Act.

We are dismayed by the Federal Aviation Administration's (FAA) disregard for the Gateway NRA enabling legislation, the Gateway Act, PL 92-592 (86 STAT. 1308). FAA appears to have focused on the concept of "...mutual acceptability..." embodied in Section 3(e) of the Act, having requested such agreement of the Secretary of the Interior by letter dated September 18, 1998. The Department responded to that request on October 26, 1998, stating that "...no agreements have been reached on the critical issues pertaining to the acceptability of installation of new air facilities on Floyd Bennett Field..." Moreover, an explicit provision of that Section precludes the installation of such an "...air facility..." at Floyd Bennett Field. We note that neither letter is included in the FEIS.

The issue is clouded by the statement on page 225 of the FEIS, "For the most part, the appropriate agency to make a determination or designation of recreational or conservation use is

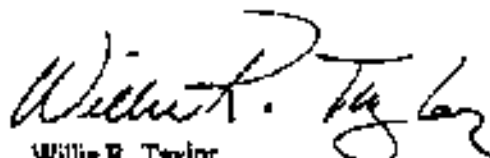
the agency owning or administering the land. Pursuant to the provisions of the Gateway Act, for the preferred site, that appropriate agency is the Department of Transportation." Nowhere in PL 92-592 is there language to support this interpretation.

The FEIS cites the relevant Section 3(e) of the Gateway Act in full on page 226, in response to the Department's assertion that the Gateway Act expressly prohibits this action, yet avoids directly facing this issue in the ensuing text. The FEIS states only that the Act "...expressly covers the establishment, maintenance and operation of air facilities within the recreation area,..." which is true, but ignores the explicit exclusion for Floyd Bennett Field made in the same Section. In its response to an assertion by the New York Audubon Society similar to that of the Department (page 332), the FAA responds with a "comment noted", and refers the reader back to the ambiguous discussion on pages 225-226.

Any careful reading of the language of Section 3(e) must lead to the conclusion that the preferred alternative, the construction of TDWR at Floyd Bennett Field, is prohibited by Federal law. For this particular alternative, "...mutual acceptability..." does not exist.

We incorporate by reference our previous comments on this issue, specifically our comments on the DEIS of October 15, 1997, and our letter of October 26, 1998, which emphasized the need for FAA to abide by the legislative authorization for the Gateway National Recreation Area. While we do not wish to disrupt or delay the establishment of critically needed aircraft safety facilities, we respectfully request that FAA abandon the alternative choice of Floyd Bennett Field as a location for installation of the TDWR and identify alternatives that satisfy both the Gateway NRA Act and Section 4(f) of the DOT Act.

Sincerely,



Willie R. Taylor  
Director, Office of Environmental  
Policy and Compliance



U.S. Department  
of Transportation  
Federal Aviation  
Administration

800 Independence Ave. S.W.  
Washington, D.C. 20591

Mr. Willie R. Taylor  
Director Office of Environmental  
Policy and Compliance, DOI  
United States Department Of Interior  
Office of the Secretary  
Washington, DC 20240

MAR 18 1999

Dear Mr. Taylor:

This responds to your letter dated February 24. In your letter you restate your view that selection of the former U.S. Coast Guard Station Brooklyn, located at Floyd Bennett Field, for the installation of a terminal Doppler weather radar (TDWR) would contradict Section 4(f) of the Department of Transportation Act (now 49 U.S.C. § 303) and is precluded by Section 3(e) of the National Gateway Recreation Act (16 U.S.C. § 460cc-3(e), the Gateway Act). Although the FAA received your October 6, 1998, letter after the Final Environmental Impact Statement (FEIS) went to printing, your prior comments on this issue were included and responded to in the FEIS. In addition to the responses in the FEIS, the following, which is based on advice of counsel, summarizes why selection of the preferred alternative fully complies with both statutes.

Section 4(f) of the Department of Transportation Act does not apply to the installation of the TDWR at the former U.S. Coast Guard Station Brooklyn located at Floyd Bennett Field. First, consideration under Section 4(f) is not required because the preferred site was acquired for transportation purposes before the Gateway National Recreational Area (GNRA) was designated. See 23 C.F.R. Section 771.135(h). Second, as the land has historically been publicly owned for transportation purposes, it is not considered publicly owned for park or recreational purposes within the meaning of Section 4(f). Third, where, as here, Federal lands are administered for multiple purposes under a statute authorizing such uses, the Federal official having jurisdiction over the lands determines whether the subject lands are in fact being used for park, recreation, wildlife, or waterfowl, or historic purposes within the meaning of Section 4(f). U.S. Department of Transportation, Procedures for Considering Environmental Impacts, Attachment 2, Par. 4(b)(2).

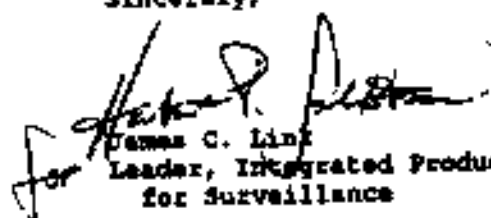
Although the entire former U.S. Coast Guard property, including the 1.8 acres owned by the FAA, is technically within the boundaries of the Gateway National Recreation Area, the property is one of several portions of the area that are not in fact being administered or used for park or recreational uses. It is undisputed that the historic use of the land owned by the FAA has been for aviation purposes. This nonpark use is evidenced by the Gateway General Management Plan (NPS, 1976b) that the National Park Service issued to implement the Gateway Act. This plan expressly indicates that the former U.S. Coast Guard property is designated as a nonpark use area. The 1.8 acres owned by the FAA are within approximately 400 feet of a maintenance apron and active runway

used by the New York City Police Department. The New York City Police Department has relocated its helicopter operation to the former U.S. Coast Guard property under a 25-year lease. For security reasons, the New York City Police Department has continued the restriction on public access and no recreational park visitors have access to the area. Further, because of the security restriction, there are no recreational activities in the vicinity of the FAA property. Therefore, even if Section 4(f) did apply, there would be no actual, direct or constructive use of a protected resource under Section 4(f) as a result of the installation of the TOWER at the preferred site.

Section 3(e) of the Gateway Act recognizes the authority of the Secretary of Transportation to operate existing airway facilities and to "install" necessary new facilities within the recreation area. Section 3(e) also states that it does not authorize the "expansion" of airport runways into Jamaica Bay or air facilities at Floyd Bennett Field. "Expansion" of runways and associated facilities (e.g., taxiways, hangars, etc.) is very different than "installation" of equipment such as a TOWER facility. Nowhere in the statute is there a prohibition on installation of equipment at Floyd Bennett Field. Nor is there any mention of such a prohibition in the Conference Report on the Gateway Act. The only reference found in the Conference Report is to "airway facilities" where paragraph 12 of the Joint Statement of the Committee of Conference, Conference Report No 92-1589 reads: "The committee accepted the House provision prohibiting further extension of the runways into Jamaica Bay." Reading this statement together with Section 3(m), it is clear that what Congress intended to preclude in that section was expansion of runways and similar facilities, not installation of needed equipment such as a TOWER.

In sum, installation of TOWER at the former U.S. Coast Guard Station Brooklyn at Floyd Bennett Field would be consistent with Section 4(f) of the Department of Transportation Act and is not precluded by Section 3(e) of the Gateway Act. Moreover, the project would be in accordance with the Gateway General Management Plan, which designates the former U.S. Coast Guard Station Brooklyn as a nonpark use area.

Sincerely,

  
 James C. Link  
 Leader, Integrated Product Team  
 for Surveillance





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
200 BROADWAY  
NEW YORK, NY 10007-1888

MAR 08 1998

Mr. James C. Link  
Acting Leader  
Integrated Product Team for Surveillance  
Federal Aviation Administration  
800 Independence Avenue, SW  
Washington, DC 20591

Dear Mr. Link:

The Environmental Protection Agency (EPA) has reviewed the final environmental impact statement (EIS) for the proposed terminal Doppler weather radar (TDWR) to serve John F. Kennedy International (JFK) and LaGuardia (LGA) Airports, New York, New York. This review was conducted in accordance with Section 309 of the Clean Air Act, as amended (42 U.S.C. 7609, PL 91-604 12(a), 84 Stat. 1709), and the National Environmental Policy Act.

The purpose of the project is to improve detection and tracking of severe weather that may present hazards to airplanes arriving at or departing from JFK and LGA Airports. The final EIS evaluates four alternative locations for the project: the former U.S. Coast Guard Air Station at Floyd Bennett Field, Brooklyn, New York, Hart Island in Bronx County, New York, the Ambrose Light site, and another ocean site. The Brooklyn site was selected as the preferred site because the other sites would result in greater potential for significant environmental impacts and reduced system effectiveness. Four alternative technologies (on-aircraft windshear systems, airport surveillance radar/weather system processor, Doppler 4000 radar, and TDWR) were evaluated, as well as the no-action alternative. TDWR was selected as the preferred technology because the other technologies would be less effective. Based on our review, we offer the following comments.

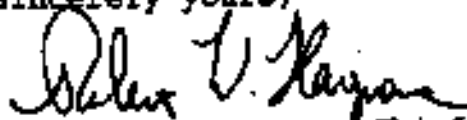
In our November 21, 1997 comment letter on the draft EIS, we requested that FAA include a commitment to characterize the nature and extent of any contamination at the sites prior to project implementation. We note that the final EIS includes a commitment that any soil or water removed during construction of the project will be tested for the presence of petroleum hydrocarbons. We also requested that FAA present a plan for the proper disposal of the material. The final EIS states that if contaminants at levels of regulatory significance are found, EPA and New York State Department of Environmental Conservation will be informed and consulted concerning proper disposal of contaminated waste materials. This approach is acceptable to EPA.

Our comment letter also requested that a project level carbon monoxide (CO) hot spot analysis be performed to ensure that any increases in CO from additional traffic volume would not cause or contribute to a violation of the CO standard. In response to this concern, FAA previously submitted a Microscale Air Quality Analysis report for EPA to review. Our comment letter, dated May 18, 1998, concluded that this project will not have a negative impact on air quality and is consistent with the New York State Implementation Plan (SIP). Therefore, all air issues have been resolved.

Based on our review of the final EIS, our concerns have been adequately addressed. Moreover, we have concluded that the proposed project would not result in significant adverse environmental impacts; therefore, EPA has no objections to its implementation.

Thank you for the opportunity to comment on this project. If you have any questions concerning our comments, please contact Deborah Freeman of my staff at (212) 637-3730.

Sincerely yours,



Robert W. Hargrove, Chief  
Strategic Planning and Multi-media Programs Branch

# National Parks and Conservation Association

March 10, 1999

The Hon. Jane Garvey  
Administrator  
Federal Aviation Administration  
800 Independence Ave., SW  
Washington, DC 20591

Dear Administrator Garvey:

On behalf of the National Park and Conservation Association's (NPCA) nearly 400,000 members, I am writing you regarding FAA's final Environmental Impact Statement (EIS) on the proposed location of a Terminal Doppler Weather Radar (TDWR) to serve John F. Kennedy International and La Guardia Airports. NPCA opposes the construction of TDWR at Floyd Bennett Field in Gateway National Recreation Area (NRA) for several reasons.

While NPCA recognizes your concern with aircraft safety, a national park unit is not the appropriate place to build an estimated 150 foot radar tower, especially when there are other sites available to serve this purpose, such as Hart Island.

Gateway NRA is a treasured and highly utilized unit in our National Park System. It provides habitat for numerous birds, mammals, and rare plants. Additionally, Floyd Bennett Field is an important cultural resource within the park; the proposed tower would degrade the cultural landscape that is integral to the Field's national significance.

From a legal standpoint, Gateway's enabling legislation (P.L. 92-392) requires any Department of Transportation activities that could impact the NRA be exercised in accordance with plans that are "mutually acceptable" to the Secretary of the Department of the Interior (DOI). According to DOI, this has not occurred. Additionally, FAA's EIS overlooks Section 4(f) of the National Transportation Act (DOT Act).

NPCA urges FAA to reconsider the Final EIS on a TDWR in Gateway NRA and further investigate alternative sites that do not violate Gateway enabling legislation or Section 4(f) of the DOT Act. Thank you for your attention to our concerns.

Sincerely,



Thomas C. Korman  
President

cc: Assistant Secretary Don Barry, DOI  
Director Robert Stanton, NPS  
Senator Chuck Schumer  
Congressman Anthony Weiner  
Janet Link, FAA



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March 10, 1999

Ms. Jane Garvey  
Administrator  
Federal Aviation Administration  
U.S. Department of Transportation  
800 Independence Avenue, S.W.  
Washington, DC 20591

Dear Administrator Garvey:

On behalf of the Natural Resources Defense Council and its over 400,000 members, with almost 40,000 from New York, I write concerning the proposed installation of a Terminal Doppler Weather Radar ("TDWR") at Floyd Bennett Field, Gateway National Recreation Area ("GNRA"). While NRDC is fully supportive of increasing the safety of this nation's air traffic, we do not believe that the FAA's proposal to site the TDWR facility at GNRA is currently in compliance with the requirements of the National Environmental Policy Act ("NEPA") and Section 4(f) of the Transportation Act. Moreover, the FAA's proposal is precluded by the clear language of the statute governing GNRA, which prohibits additional "air facilit[es]" at Floyd Bennett Field and requires the Department of Interior's agreement - which the FAA appears not to have obtained - for any other planning changes.

The FAA's Environmental Impact Statement ("EIS") in support of the proposed siting of the TDWR facility at Floyd Bennett Field concludes that this option is environmentally-preferable and the most effective in satisfying the underlying air safety mission. The EIS provides an inadequate basis for both conclusions. Considering the significantly less important biological and recreational resources affected, for example, with the Hart Island option, we fail to understand why this option is not preferred environmentally. GNRA receives 1.5 million visitors a year; Hart Island apparently receives just a handful. GNRA is home to a three page list of birds and mammals, along with five rare plants; Hart Island appears to contain just five mammals, two of which are rats and mammals. Yet, the FAA dismisses such information in reaching an insupportable conclusion concerning environmental impacts.

The FAA's discussion of the efficacy of the GNRA option versus, for example again, the Hart Island option also leaves much to be desired. According to the information presented in the EIS, a TDWR facility at Hart Island would appear to function better in certain circumstances and for certain uses and a TDWR facility at GNRA better for others. The GNRA location, for example, apparently has a blind spot concerning LaGuardia airport. The FAA fails to explain adequately why the strengths and weaknesses of the various locations are important and why the GNRA location best satisfies the air safety mission that we all care so much about.

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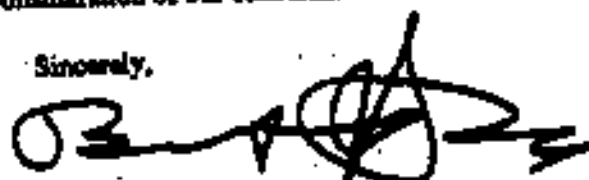
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Finally, the FAA's Section 4(f) analysis is wholly insufficient. For example, the information concerning visual impacts on GNRA is biased, excluding and downplaying consideration of the most obvious visual impacts. The FAA needs to revisit how the proposed alternative will constructively use the important recreational and ecological resources of GNRA, as required by law.

Based upon the information provided in the EIS, the only conceivable reason we can find for so strongly favoring the GNRA site for the TDWR facility is cost. It appears to be more expensive than other options, including the Hart Island site. We believe that this is wholly insufficient justification for disregarding the agency's legal obligations and for significantly impacting GNRA, a much-loved local and national ecological and recreational resource. We request that the FAA revisit its proposal to site the TDWR facility at GNRA and expediently investigate the feasibility of other sites, such as Hart Island.

Thank you in advance for consideration of our concerns.

Sincerely,



Bradford H. Sewall  
Senior Project Attorney

cc: Senator Charles Schumer  
Congressman Anthony Weiner  
William Taylor, Interior  
James Link, FAA